

Solutions Table

The Common Schools *Biggest Trust,* *Littlest Beneficiaries*

Presentation by Brian Sims, WSSDA



Three Take Aways:

- 1. The Condition of Schools Influences Student Success.**
- 2. Low Trust \$ Leads to Poor Student Outcomes.**
- 3. The State Constitution, the Enabling Act, and Common Law require the Common School Trust to be Managed with Undivided Loyalty.**

Common School Trust Revenue is used for Constructing and Modernizing Public Schools


**So What?
Why does the condition
and design of schools matter?**



- **We want our kids to be healthy and safe**
- **We want to preserve the asset in which the community has invested**

- **But, what about teaching and learning?**





They say, a gifted teacher and a highly motivated student can learn in an old barn

**But we want all of our
teachers and all of our
students to be successful**



So the barn is out

What do we know about how school design and school condition influence teaching and learning?

What is important?

Lighting, temperature & air quality

Flexibility and ownership of the learning environment

Complexity and color

Enough space, the right fixtures and sufficient storage to support hands-on, project-based learning.

Specialized facilities: STEM, music, art, small groups, teacher planning, special services.

Security.

✓ **First Take Away:**

**The Condition of Schools Influences
Student Success**



**Blaaaa. What about
the Numbers?**

School Construction is financed with State and Local Money.

However, schools are owned, designed, constructed, and maintained by school districts.

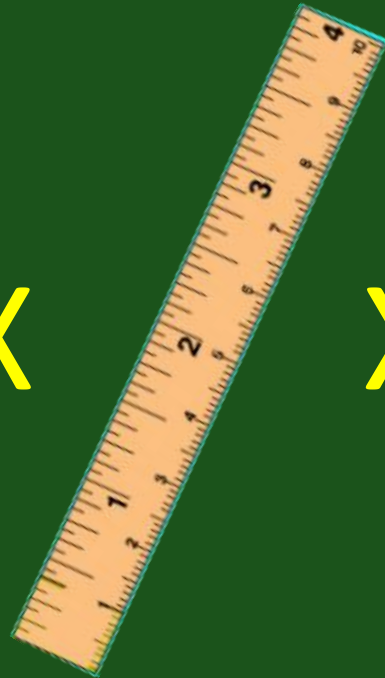
The state just provides a grant (**state match**) to help pay for construction and modernization

The difference between the real cost of construction and whatever the state provides through the School Construction Assistance Program (SCAP) falls on the shoulders of local tax payers.

How Does SCAP Work



X



X



=

Project Cost

How Does SCAP Work

**Project
Cost**

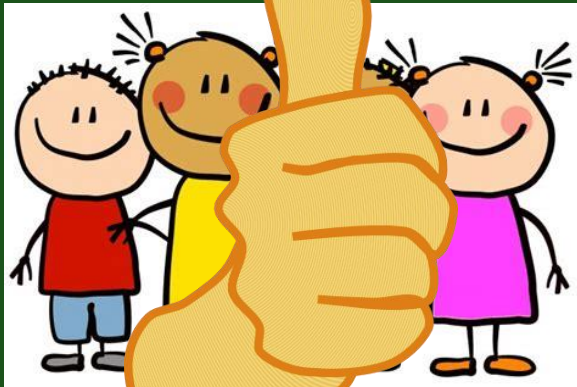
X

**District
Financial
Assistance
Percentage**

=

State Match

How Does SCAP **NOT** Work



X



X



=

Project Cost

Where does the money come from?

State	Bonds	Trust Revenue
Local	Bonds	Capital Levy

✓ Second Take Away:

**Low Level of State Funding Increases
the Burdon on Local Taxpayers Leading
to Bond Failures and Inadequate Schools.**

Low Trust \$ = Poor Student Outcomes



What are the Legal Requirements for Managing the Common School Trust?

- 1. Article IX of the State Constitution**
- 2. Section 10 of the Enabling Act**
- 3. Common Law**

Article IX Sec. 3 of the State Constitution

“The principal of the common school fund as the same existed on June 30, 1965, shall remain permanent and irreducible...

There is hereby established the common school construction fund to be used exclusively for the purpose of financing the construction of facilities for the common schools. The sources of said fund shall be: (1) Those proceeds derived from the sale or appropriation of timber and other crops from school and state lands...”

Section 10 of the Enabling Act

“That upon the admission of each of said States into the Union sections numbered sixteen and thirty-six in every township of said proposed States...are hereby granted to said States for the support of common schools.”

Common Law

“The term “fiduciary” was originally used in the common law to describe the nature of the duties imposed on a trustee. Fiduciary principles are still deeply imbedded in the law of trusts. Among the duties typically owed by a trustee are the duty to administer the trust solely in the interest of the beneficiary...”

-- Robert A. Kutcher

Article XVI Sec. 1 of State Constitution

“All the public lands granted to the state are held in trust for all the people...”

What does this mean?

- Original language
- A populous reaction to the “robber barons”
- Can’t conflict with the Enabling Act or Article IX

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